

REMARKS

Claims 1-3, 5-11, 13-19 and 21 are pending in this application. By this Amendment, claims 12 and 20 are canceled and claims 1 and 15 are amended.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Final Rejection Should Be Withdrawn

Applicant respectfully request that the Final Rejection be withdrawn. The July 28, 2004 Office Action indicated that the feature incorporated into claims 1 and 15, "a polymer having at least one thermally conductive filler material has a thermal conductivity greater than about 10 W/m°C," was an allowable feature. A second or subsequent Action on the merits can not be made final except where the Examiner introduces a new ground for rejection that is necessitated by Applicants amendment of the claims. The Amendment filed August 25, 2004 incorporated the features of claim 4, indicated as allowable into the independent claims. Thus, the amendment of the claims did not cause the Examiner's new rejection. Instead, it was the Examiner's indication that the features in claim 4 were allowable. Withdrawal of the Final Rejection is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-22 under 35 U.S.C. §103(a) over U.S. Patent No. 6,076,912 to Murthy in view of U.S. Publication 2003/0064508 A1 to Kwasnoski et al., ("Kwasnoski"). With respect to claims 4, 12 and 20 this rejection is moot. With respect to amended independent claims 1 and 15 this rejection is respectfully traversed.

Applicant respectfully disagrees with the Office Action's assertion that Murthy discloses at least one thermally conductive material that is orientated substantially parallel to an orientated flow direction of the fluid ejector model. As discussed in paragraph 40 of the specification, the long axis of the fibers are aligned in the flow direction of the module. This feature is not disclosed in Murthy.

The Office Action rejects claims 1, 3, 15 and 22 under 35 U.S.C. §102(b) over JP02187350 A to Goto. This rejection is respectfully traversed.

Goto does not disclose at least one thermally conductive filler material orientated substantially parallel to an oriented flow direction of heat from the fluid ejector module as in amended independent claims 1 and 15.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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